

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Constantina Limberiou

Debtor(s)

CHAPTER 7

The Bank of New York Mellon, as Trustee for the ABFS
Mortgage Loan Trust 2003-2, Mortgage Pass-Through
Certificates, Series 2003-2

Movant

NO. 22-11038 PMM

vs.

Constantina Limberiou

Debtor(s)

11 U.S.C. Section 362

Lynn E. Feldman Esq.

Trustee

**MOTION OF THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR THE ABFS
MORTGAGE LOAN TRUST 2003-2, MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2003-2
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is The Bank of New York Mellon, as Trustee for the ABFS Mortgage Loan Trust 2003-2, Mortgage Pass-Through Certificates, Series 2003-2.

2. Debtor(s) is the owner(s) as it was given to her from the original mortgagor's estate of the premises 520 Frontier Avenue, Reading, PA 19601 hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage, original principal amount of \$472,500.00 on the mortgaged premises that was executed on June 26, 2003. The Mortgage has been assigned as follows:

The Bank of New York as successor Trustee to JPMorgan Chase Bank, as Trustee under the Pooling and Servicing Agreement dated October 1, 2003, ABFS Mortgage Trustee 2003-2 to The Bank of New York Mellon f/k/a The Bank of New York as successor to JPMorgan Chase Bank, N.A., as trustee, for the ABFS Mortgage Loan Trust 2003-2 Pass-through Certificates, Series 2003-2 dated 10/29/2014; recorded 2/10/2015.

4. Select Portfolio Servicing, Inc. services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be

conducted in the name of The Bank of New York Mellon, as Trustee for the ABFS Mortgage Loan Trust 2003-2, Mortgage Pass-Through Certificates, Series 2003-2 . Said entity has the right to foreclose by virtue of being the owner and holder of the note. The promissory note is either made payable to said entity or has been duly endorsed.

5. Lynn E. Feldman Esq., is the Trustee appointed by the Court.

6. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 7 Petition in Bankruptcy by the Debtor(s).

7. As of August 1, 2022, the total payoff on the mortgage is \$1,081,923.88.

8. The loan is contractually due for January 5, 2009.

9. According to the Debtor's Schedule A, the property is valued at \$488,366.00. There is no equity in the property for an effective reorganization.

10. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and costs in connection with this motion. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

11. Movant is entitled to relief from stay for cause. Furthermore, the Movant is not adequately protected.

12. This motion and the averments contained therein do not constitute a waiver by the Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, the Movant prays that an Order be entered modifying the Stay and permitting the Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, the Movant prays that an Order be entered awarding the Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Brian C. Nicholas, Esquire

Brian C. Nicholas, Esquire

KML Law Group, P.C.

701 Market Street, Suite 5000

Philadelphia, PA 19106-1532

Phone: (215) 627-1322 Fax: (215) 627-7734

Attorneys for Movant/Applicant

Dated: August 9, 2022